

SEP 13 2022

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY  DEP. CLKLarry Blakney #34750171  
Plaintiff

CASE NO.

UNLAWFUL SURVEILLANCE AND  
OUTRAGEOUS GOVERNMENT CONDUCT

V.S

FEDERAL TORT CLAIM

UNITED STATES OF AMERICA  
AND  
HARTSVILLE S.C. POLICE DEPARTMENT  
DEFENDANT28 U.S.C. § 1346(b)  
OUTRAGEOUS GOVERNMENT CONDUCT  
AND UNLAWFUL SURVEILLANCEPARTIES AND JURISDICTION

1) PLAINTIFF BRINGS THIS ACTION AGAINST DEFENDANT, THE UNITED STATES OF AMERICA, PURSUANT TO THE FEDERAL TORT CLAIM ACT, SO THAT THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER OF THIS ACTION PURSUANT TO 28 U.S.C. § 1346(b)

2) THIS IS A CIVIL RIGHTS ACTION BROUGHT PURSUANT TO 42 U.S.C. § 1983 TO REDRESS PLAINTIFF RIGHTS UNDER THE FOURTH, EIGHTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND UNDER THE COLOR OF STATE LAW OF RIGHTS

3) THE COURT ALSO HAS JURISDICTION OF THIS ACTION PURSUANT TO 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3)(4) SUPPLEMENTAL JURISDICTION 28 U.S.C. § 1367

4) THE PLAINTIFF LARRY BLAKNEY IS PRE-TRIAL DETAINEE HOUSED AT THE FEDERAL MEDICAL CENTER OF BUTNER N.C. STREET ADDRESS IS 1000 OLD HIGHWAY N.C. 75, BUTNER NORTH CAROLINA 27509

5) THE DEFENDANT, BY AND THROUGH ITS AGENCY, THE DEPARTMENT OF JUSTICE OF RALEIGH NORTH CAROLINA LOCATED AT 310 NEW BERN AVENUE, RALEIGH NORTH CAROLINA 27601 IS AS OF NOW AND HAS BEEN CONDUCTING A UNLAWFUL SURVEILLANCE UNDER THE AUTHORIZATION OF THE ATTORNEY GENERAL OF RALEIGH NORTH CAROLINA JOSH STEIN DEFENDANT COMPIER WARDEN T. SCARANTINO OF THE FEDERAL MEDICAL CENTER OF BUTNER N.C. IS LOCATED AT 1000 OLD HIGHWAY N.C. 75 BUTNER N.C. 27509

ATTORNEY GENERAL JOSH STEIN STREET ADDRESS: 11 WEST EDEMON, RALEIGH N.C. 27603

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DEFENDANT CHIEF JAMES HUDSON OF THE HARTSVILLE S.C POLICE DEPT,  
FOR THE HARTSVILLE S.C POLICE DEPARTMENT, 135 WEST CARDEN AVENUE  
HARTSVILLE S.C 29150

6.) PLAINTIFF ALSO BRINGS THIS ACTION AGAINST DEFENDANT, BY AND THROUGH ITS AGENCY, THE FEDERAL MEDICAL CENTER OF BUTNER NORTH CAROLINA, ITS KEEPER, WARDEN, AND SUPERVISOR T. SCARANTINO FOR DELIBERATE INDIFFERENCE OF AIDING AND ABETTING THE UNLAWFUL ELECTRONIC SURVEILLANCE. SEE FAIRMAN, 146 F. 3d AT 158 AND WRONGFUL MISCONDUCT

7.) PLAINTIFF BRINGS THIS ACTION AGAINST DEFENDANT'S ATTORNEY GENERAL JOSH STEIN OF RALEIGH NORTH CAROLINA, AND THE COMPLEX WARDEN T. SCARANTINO OF THE F.M.C. OF BUTNER NORTH CAROLINA, ACTING AS THE AGENTS, SERVANTS, AND EMPLOYEES OF DEFENDANT, THE UNITED STATES OF AMERICA, IN THE COURSE OF THEIR EMPLOYMENT, WHO ALONG WITH OTHER AGENTS, SERVANTS, AND EMPLOYEES OF THE DEFENDANT THE UNITED STATES OF AMERICA KNOWN TO DEFENDANT, THE UNITED STATES OF AMERICA, BUT UNKNOWN TO PLAINTIFF, COMMITTED THE ACTS OF NEGLIGENCE THAT ARE SET FORTH MORE FULLY BELOW:

8.) AS A RESULT OF THE FAULT OF THE DEFENDANTS, BY AND THROUGH THEIR AGENTS, SERVANTS AND EMPLOYEES, ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT, PLAINTIFF IS SUFFERING MENTAL CRUELTY, MENTAL ANGUISH, EMOTIONAL DISTRESS, HUMILIATION, EMBARRASSMENT, UNREASONABLE FEAR FROM "IMMINENT THREATS" OF DANGER AND THE FEAR OF LOSING HIS LIFE THROUGH DEATH THREATS

9.) THESE INJURIES RESULTED FROM THE NEGLIGENCE OF THE AGENTS, SERVANTS AND EMPLOYEES, ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT, AS FOLLOWS:

A.) ON SEPTEMBER 16, 2020, PLAINTIFF WAS COMMITTED TO THE FEDERAL MEDICAL CENTER OF BUTNER N.C IN PURSUANT 18 U.S.C 4241(a) FOR A COMPETENCY TO STAND TRIAL EVALUATION, FOR THAT PURPOSE AND THAT PURPOSE ONLY, BUT CONTRARY:

B) PLAINTIFF WAS PUT UNDER INVESTIGATION THROUGH A MEANS OF ELECTRONIC SURVEILLANCE UPON HIS DAY OF ARRIVAL TO THE F.M.C OF BUTNER N.C THROUGH THE FOREIGN INTELLIGENCE SURVEILLANCE ACT IN PURSUANT TO 50 U.S.C § 1801; 18 U.S.C § 2510; 18 U.S.C § 932; AND 18 U.S.C § 2701 UNDER THE REQUIREMENTS OF FED. R. CRIM. P. 41(b) SEE. UNITED STATES V. FALLS SM F, 3d 674 (8TH CIR. 1994) UNDER THE AUTHORIZATION OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA (WESTERN DIVISION) IN WHICH IS ALSO THE DEPARTMENT OF JUSTICE FOR RALEIGH, NORTH CAROLINA, THROUGH APPLICATION OF ATTORNEY GENERAL JOSH STEIN IN PURSUANT TO 18 U.S.C § 2516; 18 U.S.C § 2518

C) THE DESIGNATE ATTORNEY GENERAL JOSH STEIN DEPLOYED THE ELECTRONIC SURVEILLANCE SO THAT THE PLAINTIFF COULD BE INVESTIGATED BY THE HARTSVILLE S.C POLICE DEPARTMENT UNDER THE AUTHORIZATION OF THE CHIEF JAME HUDSON IN WHOM SUPERVISE THE HARTSVILLE S.C POLICE PERSONNEL, THE DESIGNATE ATTORNEY GENERAL JOSH STEIN IS INTENTIONALLY AND WILLFULLY VIOLATING THE PLAINTIFF CONSTITUTIONAL RIGHTS SEE. WEST V. ATKINS, 487 U.S. 42, 48, 108 S. CT. 2250 101 L. ED 2d 40 (1988); IQBAL, 556 U.S. AT 676 SEE. MONELL V. DEP'T OF SOC. SEVS, 436 U.S. 658, 691-92 (1978) AND THE COMPLEX WARDEN T. SCARANTINO OF THE F.M.C OF BUTNER N.C IS AIDING AND ABETTING FOR ALLOWING THE CONSTITUTIONAL DEPRIVATION TO TAKE PLACE OUT OF DELIBERATE INDIFFERENCE AT THE PRISON IN WHICH HE SUPERVISE. SEE. FACILA, 146 F. 3d AT 158 BY WILLFULLY AND INTENTIONALLY AIDING THE UNLAWFUL ELECTRONIC SURVEILLANCE AND THE MISCONDUCT THAT ITS BEING DEPLOYED ~~THE~~ AT THE FEDERAL MEDICAL CENTER, ALONG WITH CHIEF JAMES HUDSON AND THE HARTSVILLE S.C POLICE PERSONNEL

D) THE DESIGNATE ATTORNEY GENERAL JOSH STEIN HAS DEPLOYED THE ELECTRONIC SURVEILLANCE AT THE F.M.C OF BUTNER, SO THAT THE PLAINTIFF CAN BE WATCHED BY THE HARTSVILLE S.C PERSONNEL AND SO THAT THEY CAN COMMUNICATE WITH HIM THROUGH THE "FISA" AND ALLOW THE GENERAL PUBLIC OF HARTSVILLE S.C TO BE IN ATTENDANCE OF THE "FISA" FOR THE SAME PURPOSE, BUT CONTRARY TO AN INVESTIGATION THEY'RE USING THE FISA TO FACILITATE INHUMANE, CRUEL AND VARIOUS OF "IMMINENT THREATS" AND TO INVAD AND WATCH THE PLAINTIFF EVERY MOVE AT THE PRISON. SO THEY CAN PICK UP ON HIM ABOUT HIS BEHAVIOR ABOUT THEM BEING UGLY AND MAKING ATTEMPTS TO PROVOKE INMATES TO PICK ON HIM

THEY USING THE "FISA" TO BE HEARD PICKING ON THE PLAINTIFF AND TO PROVOKE THE INMATES TO PICK ON HIM AND CAUSE DANGEROUS CONFRONTATIONS AT THE PRISON SO THEY CAN DELIBERATELY INTERFERE WITH THE PLAINTIFF

E). THE DESIGNATE ATTORNEY GENERAL JOSH STEIN IS USING THE "FISA" SO THAT THE PLAINTIFF CAN BE WATCHED IN HIS JAIL CELLS WHICH HOLDS HIS TOILET IN A INDIFFERENCE ACT OF ALLOWING <sup>HEM</sup> TO BE WATCH BY EVERYONE IN ATTENDANCE TO SURVEILLANCE AS HE URINATE AND DELIBATE EXPOSING HIS GENITAL AND ANAL SECTION TO THE HARTSVILLE SC POLICE AND THE PEOPLE OF THE GENERAL PUBLIC THAT WATCHEN<sup>HEM</sup> THROUGH THE "FISA" IN VIOLATION OF HIS CONSTITUTIONAL RIGHT TO PRIVACY, IN THE CONTEXT OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION A UNLAWFUL ELECTRONIC SURVEILLANCE IS THE SAME AS A UNREASONABLE SEARCH AND SEIZURE WHEN FACILITATED IN A LOCATION WHERE THE INDIVIDUAL HAS A LEGITIMATE EXPECTATION OF PRIVACY. SEE, *BARRY V. FRESHOUR*, 905 F. 3d 912, 914 (5TH CIR. 2018) (QUOTING) *UNITED STATES V. JONES*, 565 U.S. 400, 407, 132 S. Ct. 945, 181 L. Ed. 2d 911 (2012) CITING *BYRD V. UNITED STATES*, 139 S. Ct. 1518, 1527, 200 L. Ed. 2d 805 (2018) *BEAUMONT*, 974 F. 3d AT 1097 (ELLIPSES OMITTED) EXPOSING HIS PRIVATE VESSELS

F) THE DESIGNATE ATTORNEY GENERAL JOSH STEIN ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT AS THE DEFENDANT, THE UNITED STATES OF AMERICA IS AS OF NOW AND HAS BEEN USING THE F.I.S.A SO THAT THE PEOPLE IN ATTENDANCE THEREOF CAN BE HEARD HARASSING THE PLAINTIFF AT THE F.M.C OF BUTNER NIC WITH "IMMINENT THREATS" OF INFLECTING HIM WITH SERIOUS BODILY INJURIES OF DEATH IF HE DON'T REMOVE HIS YOUTH PASTORIAL POSITION FROM HIS FACEBOOK PAGE "GATE MOVEMENT RECORDS" THE DELIBERATE INDIFFERENCE OF THE IMMINENT THREATS OF DANGER IS CAUSING THE PLAINTIFF TO BE AWARE OF HIS SAFETY AND IS SERIOUSLY AFFECTING HIS HEALTH DO TO MENTAL CUEPTY THAT'S CAUSING HIM TO SUFFER MENTAL ANGUISH FROM BE DEPRIVED OF HIS EIGHTH AMENDMENT RIGHTS OF THE UNITED STATES CONST. THE RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT. SEE, *WHITLEY V. ALBERS*, 475 U.S. 312, 319, 106 S. Ct. 1078, 89 L. Ed 2d 251 (1986) AS WELL AS THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION THE EQUAL PROTECTION OF THE LAW AS WELL AS THE DUE PROCESS CLAUSE THEREOF. SEE *KINMAN V. OMAHA PUB. SCH. DIST.*, 171 F. 3d 607, 611 (8TH CIR. 2000) CITATION OMITTED ALSO SEE *KUMAR V. KAN. CITY POLICE DEPT*, 270 F. 3d 984, 988 (8TH CIR. 2000)

G.) THE ATTORNEY GENERAL JOSH STEIN ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT, ALONG WITH COMPLEX WARDEN OF THE FMC OF BUTNER NC T. SCARANTINO ACTING AS THE DEFENDANTS, THE UNITED STATES OF AMERICA, AND THE DEFENDANT CHIEF JAMES HUDSON CHIEF AND COMMISSIONER OF THE DEFENDANT, THE HARTSVILLE S.C. POLICE DEPARTMENT IS ALSO IN VIOLATION OF THE FOURTEENTH AMENDMENT (DUE PROCESS CLAUSE) WHICH GOVERNS CONDITIONS OF PRISONS SEE. HUBBARD V. TAYLOR, 399 F.3d 150, 166 (3d Cir. 2005) AND THE CONFINEMENT OF THE PRISON BY COMMITTING THE VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS WITH DELIBERATE INDIFFERENCE OF HIS SAFETY AND HEALTH BY USING THE "F.I.S.A" TO INTIMIDATE HIM WITH DEATH THREATS "IMMINENT THREATS" OF DANGER THAT'S CAUSING HIM TO SUFFER UNREASONABLE FEAR, MENTAL CRUELTY AND MENTAL ANGUISH IN THE PRISON CONFINEMENT. SEE BELL V. WOLFISH, 441 U.S. 520, 538, 99 S. Ct. 1861, 60 L. Ed 2d 447 (1979) THROUGH THE UNCONSTITUTIONAL DEPRIVATION, THE EQUAL PROTECTION OF THE FOURTEENTH AMENDMENT COMMANDS THAT NO STATE SHALL DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTIONS OF THE LAWS, WHICH IS ESSENTIALLY A DIRECTION THAT ALL PERSONS SIMILARLY SITUATED SHOULD BE TREATED ALIKE. "CITY OF CEBUENE V. CEBUENE LIVING CTR. 473 U.S. 432, 439, 105 S. Ct. 3849, 87 L. Ed 2d 313 (1985) FOR PRISONERS EQUAL PROTECTION. SEE MAX V. WARDEN LORETTO FCI, 834 F.3d 286 (3d Cir. 2016) (CITING HASSAN V. CITY OF NEW YORK, 804 F.3d 277, 294, 298 (3d Cir. 2015) THE PLAINTIFF IS RECEIVING TREATMENT CONTRARY TO THE OTHER INMATES AROUND HIM DO THE UNLAWFUL SURVEILLANCE AND OUTRAGEOUS GOVERNMENT CONDUCT AT THE PRISON

H.) DEFENDANTS, BY THEIR ABOVE ACTIONS FAILED TO ABEDE BY THE CONSTITUTION AND THE LAWS UNDER THE COLOR OF ~~LAW~~, THE REGULATIONS AND CUSTOMS AS REQUIRED BY EVERY CITIZEN OF THE UNITED STATES

I.) AS A RESULT OF THESE ACTS OF NEGLIGENCE, PLAINTIFF IS AS OF NOW AND HAS BEEN DEPRIVED OF HIS CONSTITUTIONAL RIGHTS, HAS SUFFERED GREAT MENTAL ANGUISH DO TO MENTAL CRUELTY, THE PLAINTIFF ALSO SUFFERED HUMILIATIONS, EMBARRASMENTS, UNREASONABLE FEAR DO TO THE "IMMINENT THREATS" OF DANGER THAT'S PUTTING HIM IN FEAR OF HIS SAFETY AND IS EFFECTING HIS MENTAL HEALTH PLAINTIFF HAS SUFFERED INJURY TO HIS GOOD NAME AND REPUTATION, ALL TO PLAINTIFF DAMAGES

11.) THE PLAINTIFF IS FILING A CLAIM IN THE SUM OF \$7,500,000 FROM THE FEDERAL AGENCIES THE DEPARTMENT OF JUSTICE OF HAITI N.C AS WELL AS THE FEDERAL MEDICAL CENTER OF BUTNER NORTH CAROLINA. THE PLAINTIFF IS FILING A SEPERATE CLAIM OF \$7,500,000 FROM THE HARTSVILLE S.C POLICE DEPARTMENT

PRAYER

PLAINTIFF REQUEST THAT THIS COURT RENDER JUDGMENT AGAINST THE DEFENDANTS;

A) IN THE SUM TO BE SHOWN AT TRIAL, BUT IN NO EVENT LESS THAN \$15,000,000, COMPENSATORY, PUNITIVE, AND NOMINAL RELIEF

B) INCLUDING WHATEVER PRE-AND POST JUDGMENT INTEREST MAY BE ALLOWED BY LAW; AND THAT

C) PLAINTIFF BE AWARDED COST OF SUIT AND WHATEVER OTHER RELIEF IS DEEM APPROPRIATE BY COURT

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT THIS COMPLAINT WAS MAILED POSTAGE PAID TO THE U.S DISTRICT CLERK OFFICE

DATE: 9/18/2022

SIGNATURE: Jam Blakney

I HAVE READ THE FOREGOING COMPLAINT; AND THE ALLEGATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

LARRY BLAKNEY